

RECEIVED  
CENTRAL FAX CENTER

JUN 15 2004

Serial No: 10/780840  
Attorney Docket No: 160-038

OFFICIAL

**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent and Trademark Office at number (703) 872-9306

6/15/04  
date

Mary Steubing  
Signature

Mary Steubing, Reg. No. 37,946  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Response to Notice to File Missing Parts	1 page
Transmittal x 2	2 pages
Copy of Originally-filed declaration	2 pages
Copy of Originally-filed Transmittal letter	1 page
Copy of return receipt postcard	1 page
Copy of Notice to File Missing Parts	2 pages
Total including this sheet	10 pages

BEST AVAILABLE COPY

Please type a plus sign (+) inside this box



PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	10/780840
		Filing Date	02/18/2004
		First Named Inventor	Backes
		Group Art Unit	2681
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	160-038

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) and letter <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Notice to File Missing Parts Copy of Originally-filed Declaration Copy of Originally-filed Transmittal Copy of Return Receipt Postcard
Remarks	Please charge any deficiency or credit any overpayment to Deposit Account No. 502569.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mary Steubing, Reg. No. 37,946 Steubing McGuinness & Manaras LLP
Signature	<i>Mary Steubing</i>
Date	6/15/04

CERTIFICATE OF MAILING OR FACSIMILE	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 33212 or being facsimile transmitted to the United States Patent and Trademark Office at number (703) 872-9306 on this date:	
Type or printed name	Carol Ann Mahoney
Signature	<i>CMahoney</i>
Date	6/15/04

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

RECEIVED  
CENTRAL FAX CENTER

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 15 2004

Applicant(s): Backes

Application No.: 10/780840

Filed: 02/18/2004

Title: Wireless Access Point Protocol Logic

Attorney Docket No.: 160-038

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Group Art Unit:

Examiner: not yet known

OFFICIAL

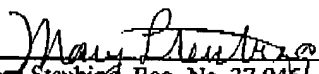
RESPONSE TO NOTICE TO FILE MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of May 12, 2004, Applicant respectfully asserts that the Notice was issued in error. A signed declaration was submitted with the initial filing. Copies of that declaration, a copy of the transmittal letter and USPTO stamped return receipt postcard are attached as evidence. Applicant requests that the Initial Patent Examining Division withdraw the notice and hereby accept this copy of the declaration to complete the file. No fee should be due, however authorization to charge any fee deficiencies to Deposit Account 502569 is hereby given.

Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mary Staubing, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

6/15/04  
Date  
Mary Staubing, Reg. No. 37,946  
Attorney/Agent for Applicant(s)  
Staubing McGuinness & Manaras LLP  
125 Nagog Park Drive  
Acton, MA 01720  
(978) 264-6664

Docket No. 160-038

Dd: 7/12/2004

BEST AVAILABLE COPY

Please type a plus sign (+) inside this box → ☒

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	160-038
	First Inventor	Backes
	Title	Wireless Access Point Protocol Logic
	Express Mail Label No.	EV439629362US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
---	---

1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing) 2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Application for Patent (Total Pages <input type="text" value="99"/> (foreword arrangement set forth below) 96 pp. Specification 2 pp. - Claim(s) 1-3 1 pg. - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) (Total Sheets <input type="text" value="62"/> 5. <input checked="" type="checkbox"/> Oath or Declaration (Total Sheets <input type="text" value="2"/> a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies
---	--

<b>ACCOMPANYING APPLICATION PARTS</b>	
9. <input checked="" type="checkbox"/> Assignment Papers 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input type="checkbox"/> Other: .....	

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: \_\_\_\_\_

Prior application information:

Examiner: \_\_\_\_\_

Group Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	<input type="text" value="34845"/>	or	<input type="checkbox"/> Correspondence address below
Name Steubing McGuinness & Manaras LLP Address 125 Nagog Park Drive City Acton State MA Zip Code 01720 Country USA Telephone 978-264-6664 Fax 978-264-9119			

Name (Print/type)	Mary Steubing	Registration No. (Attorney/Agent)	37,946
Signature	<i>Mary Steubing</i>	Date	February 18, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Serial No. \_\_\_\_\_ File No. 160-038 By: MS  
Title: Wireless Access Point... Date: \_\_\_\_\_  
Application of Backes  
The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:  
☒ Mailing by Express Mail (37 CFR 1.10)  
Express Mail Label No. 914351629302US  
☒ Patent Application  
☐ Non-provisional ☐ Provisional  
Incl. 94 pages, (96 pgs) Specification  
(2 pgs) Abstract, (2 pgs) Claims 63 # claims)  
☒ Design Patent Application  
☒ Declaration(s)  
Drawings 2 Sheet(s) (FIGS. 1-59)  
☐ Formal ☐ Informal  
☒ Utility Patent Application Transmittal  
Fee calculation sheet (x2)  
CPA Transmittal  
Verified Statement claiming small entity status  
☒ Assignment and Cover Sheet  
☐ Other \_\_\_\_\_  
Provisional Application Cover Sheet  
Multiple Dependent Claim Fee Sheet  
Int. Discl. Statement, PTO Form 1449  
☐ References Cited  
Priority Document(s) # \_\_\_\_\_  
Copy of Notice to File Missing Parts  
Amendment/Response  
Petition for Ext. of Time (x2)  
Issue Fee Transmittal  
Letter to Official Draftsperson  
Notice of Appeal  
Brief (x3)  
Check for \$ \_\_\_\_\_ Check # \_\_\_\_\_  
Transmittal Letter (x2)  
Cert. of Mailing under 37 CFR 1.8(a)  
17302 U.S. PTO  
10/780840  
DATE MAILED 2/18/04 021804



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (a) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/780,840	02/18/2004	Floyd J. Backes	160-038

34845  
STEUBING AND MCGUINESS & MANARAS LLP  
125 NAGOG PARK  
ACTON, MA 01720

CONFIRMATION NO. 2505

## FORMALITIES LETTER



\*OC000000012587072\*

Date Mailed: 05/12/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

BEST AVAILABLE COPY

DSH

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY